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RUEHNE/AMEMBASSY NEW DELHI 1316  
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RUEHWL/AMEMBASSY WELLINGTON 1671  
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E.O. 12958: DECL: 08/23/2017

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SUBJECT: COURT REJECTS LAWSUIT AGAINST KEY GOI ANTI-TERROR  
UNIT

REF: A. JAKARTA 02121

[1](#)B. JAKARTA 01993

Classified By: Pol/C Joseph Legend Novak, reasons 1.4 (b)(d).

[1](#)1. (C) Summary: A Jakarta Court dismissed on August 21 Jemaah Islamiyah (JI) co-founder Abu Bakar Ba'asyir's lawsuit seeking to disband the Indonesian National Police anti-terrorist strike-force, Special Detachment 88. Ba'asyir had claimed the unit acted in an anti-Muslim way and used torture. Ba'asyir's lawyers vowed to appeal. The ruling is the latest setback for JI efforts to undermine police anti-terror operations. End Summary.

[1](#)2. (U) SETBACK FOR JI: Indonesia's judiciary has handed Abu Bakar Ba'asyir another setback in his quest to discredit the Indonesian National Police (INP) and its anti-terrorist strike-force, Special Detachment 88 (SD-88). After three weeks of deliberations, the South Jakarta District Court, headed by Chief Judge Wahyono (one name only), dismissed Ba'asyir's class-action lawsuit against SD-88 on August 21. The judge stated that the lawsuit did not fulfill the formal requirements of a class-action lawsuit.

[1](#)3. (U) Abu Bakar Ba'asyir filed the lawsuit last month. The suit claimed SD-88 violated human rights by torturing detainees to gain confessions from them. The suit also alleged SD-88 targeted Muslim activists exclusively, and was funded by Australia and the USG. The GOI,s lawyers argued that the case should be dismissed on the grounds that a class-action lawsuit was not the proper vehicle for such allegations.

[1](#)4. (U) APPEAL IS PLANNED: When the ruling was made by the court, many of Ba,asyir,s supporters jeered (Ba,asyir was not present in the courtroom). Ba'asyir's lawyers stated that they would appeal the case to the Supreme Court. Ba'asyir publicly characterized the decision as the work of

"foreigners," including the U.S. and Australia. He said it was his obligation as a Muslim to "fight the evil of Detachment 88," though this had to be done through the legal process. If this failed, he would "complain to God and let God deal with it."

15. (C) According to our court monitor (please protect), Ba'asyir's Muslim Defender Team (TPM) lawyers are pessimistic about future prospects for the lawsuit. The chief judge was a non-Muslim and did not recognize the TPM as a legitimate defense team, they asserted. However, they also recognized weaknesses in their case: Ba'asyir did not really have standing to represent the people allegedly abused and there were no quantifiable damages. One of the lawyers admitted to our court monitor that the case had been designed mainly to influence public opinion by asserting that SD-88 was linked to the USG and other countries.

16. (C) EFFORT TO DISCREDIT POLICE: This lawsuit is not the first time radical Islamists have attempted to use legal means to discredit SD-88 and other elements of the security forces. Members of JI, including the wife of Abu Dujana (Dujana is now in police custody), recently sued SD-88, unsuccessfully, for alleged violations of Dujana's human rights (ref b). There is little doubt there will be more nuisance-type suits. So far, the Indonesian courts are not buying it and there is little sign that JI is winning any sort of public relations effort to undermine SD-88.

HUME